

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 20, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B133807 In re Marriage of Askmo
B142211 D.C.F.S. v. Jacqueline G.

Argument waived, cause submitted.

B134311 Caesar
 v.
 Maccabee

Merits:

Argued by Dan S. Maccabee, appellant in propria persona. No appearance
for respondent. Cause submitted.

B132595 Sachs
 v.
 Sachs

Merits:

Argued by Ted L. Travis for appellant and by Joel P. Schiff for respondent.
Cause submitted.

DIVISION ONE (Continued)

B137293 Nguyen et al.
 v.
 Kramer

Merits:

Argued by Donald J. Farber for appellants and by Richard S. Gower for respondent. Cause submitted.

B133731 Sands et al.
B135696 v.
 Charlston Revich & Williams et al.

Merits:

Argued by Vincent Gannuscio for appellants and by Jules S. Zeman for respondents. Cause submitted.

B138902 Kundinger
 v.
 Sueppel, Jr., et al.

Merits:

Argued by Lee A. Eggerman for appellant and by Robert J. Reynolds for respondents. Cause submitted.

B136435 Richardson et al.
 v.
 Richardson et al.

Merits:

Argued by Larry D. Lewellyn for appellants and by I. David Small for respondents. Cause submitted.

DIVISION ONE (Continued)

B125481 Top Cat Productions Inc., et al.
B128713 v.
Michael's Los Feliz

Merits:

Argued by Lesley Anne Hawes for appellant and by David P. Crochetiere for respondent Michaels' Los Feliz. Frank M. Lanak appearing for respondent American Contractors waives oral argument. Cause submitted.

Ortega, J. leaves the bench.

B135522 Bohrer
v.
Mee

Merits:

Argued by Wendy S. Albers for appellant and by Peter K. Levine for respondent. Cause submitted.

Ortega, J. returns to the bench.

B125175 Baker & McKenzie
v.
Contemporary Services Corporation

Merits:

Argued by Daniel J. Gonzalez for appellants Contemporary Services et al. and by Brian E. Shear for appellants Bosserman et al. Cause submitted.

B137636 Minkin
v.
Wilson et al.

Merits:

Argued by Susan M. Hilton for respondent Stone & Wood, by Jules S. Zeman for respondent Wilson and by Alexander E. Macksound, respondent in propria persona. No appearance by counsel for appellant. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

DIVISION ONE (Continued)

B123192 FN Development Company
 v.
 Paragon Homes, Inc.

Merits:
Argued by Irving H. Greines for appellant and by J. Daniel Sharp for
respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B141831 Gary Morgan et al. (Certified for Publication)
 v.
 Board of Pension Commissioners of the City of Los Angeles
 City of Los Angeles

We find appellants failed to establish a clear ministerial duty on the part of
the Pension Board to include Uniform Field Assignment Incentive pay in
appellants' pension base and therefore we affirm the judgment of the trial
court.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B140262 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Frankie G. and Jennifer G.

The order denying mother's petition under section 388 is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B137167 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Yolanda S., et al.

The orders of the trial court are affirmed.

Todd, J.

We concur: Boren, P.J.
Cooper, J.

B116412 Womack (Not for Publication)
v.
Greene

The judgment in favor of plaintiff Womack is reversed and the court is ordered to enter judgment for Greene. Costs to appellant Greene.

Todd, J.

We concur: Boren, P.J.
Nott, J.

B134921 Kelterborn, et al. (Not for Publication)
v.
Gillespie, et al.

The judgments are affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
Todd, J.

DIVISION THREE

B137163 People (Not for Publication)
v.
Wallace

The judgment in BA186857 is affirmed. The judgment in BA163594 is modified to reflect 369 days of presentence custody credit awarded by the trial court and, as so modified, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B131690 Laraine Kuehn (Certified for Publication)
v.
Garrett Kuehn

The order of dismissal is reversed as to the first cause of action and is affirmed as to the second and third causes of action. Laraine's action for equitable relief from the judgment is remanded to the family court for further proceedings. (Rubenstein, *supra*, 81 Cal.App. 4th at p. 1152.) Laraine is awarded her costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B139570 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Maria P.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B132650 Ivan E. Shinkle et al. (Not for Publication)
 v.
 City of Los Angeles

Since Shinkle cannot show that he has a private cause of action for violation of 40 Code of Federal Regulations parts 35.929-1 and 35.929-2, that the City violated article XIII C or XIII D of the California Constitution, or that the Franchise Fee was improperly transferred from the SCM Fund to the General Fund, we conclude that he has failed to state a cause of action for declaratory relief, taxpayers' injunctive relief, or mandamus and that the demurrer of the City was properly sustained. In light of this holding, we need not deal with Shinkle's other arguments. The judgment is affirmed. Costs on appeal are awarded to respondent.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B144679 Ruperto I. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FIVE

B144072 People (Not for Publication)
v.
Victor Hart

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B141006 People (Not for Publication)
v.
Claude Harper, Jr.

The matter is remanded to permit the trial court to either impose or dismiss the one-year enhancement under Penal Code section 667.5, subdivision (b) for appellant's prior conviction for possessing PCP (Health & Saf. Code, 11378.5). The clerk of the superior court is directed to amend the abstract of judgment to reflect 562 days of actual presentence custody credit and 842 days of total presentence custody. The clerk is further directed to amend the abstract of judgment to reflect two five-year enhancements under Penal Code section 667, subdivision (a)(1) instead of a 10-year personal use enhancement for appellant's assault conviction under count 9. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B138689 People (Not for Publication)
v.
Donald Sloan

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

December 20, 2000-Continued

DIVISION FIVE (Continued)

B139203 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Anthony M.

The disposition order is reversed. The finding that Antseneque is a dependent child under section 300 subdivision (g), is reversed, as is the finding that she is a dependent child under section 300, subdivision (b) due to her father's conduct. The order is in all other respects affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B133742 Maria D.
v.
Westec Residential Security

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B128206 Lee (Not for Publication)
v.
Regent Beverly Wilshire

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

December 20, 2000-Continued

DIVISION SEVEN (Continued)

B135994 Kougasian (Not for Publication)
v.
Ski Sunrise

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

I concur: Neal, J.

I concur in the judgment only: Johnson, Acting P.J.